

Appl. No. 10/554,709  
Reply to Office Action of February 3, 2009  
Amendment dated April 21, 2009

### ***REMARKS***

In the February 3, 2009 Office Action, claims 1-52 were rejected as failing to comply with the written description requirement and as being indefinite for failing particularly to point out and to claim distinctly the subject matter that Applicant regards as the invention. Claims 1-52 also stand rejected in view of the prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the February 3, 2009 Office Action, Applicant has cancelled claims 1-26, 30, and 43, and amended claims 27 and 40 as indicated above. Thus, claims 27-29, 31-42, and 44-52 are pending, with claims 27 and 40 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Claim Rejections - 35 U.S.C. §112***

On pages 2-4 of the Office Action, claims 1-52 were rejected under 35 U.S.C. §112, first and second paragraphs. In response, Applicant has cancelled claims 1-26, 30, and 43, and amended claims 27 and 40. The cancellation of claims 1-26, 30, and 43 renders the rejection based on the term “multi-component resin” moot.

Specifically, Applicant has amended claims 27 and 40 to recite a “two-component resin” instead of “dual-component resin” and the two-component resin is further defined as containing aclyric and melamine by the current amendment.

Applicant believes that the claims now comply with 35 U.S.C. §112, first and second paragraphs.

Withdrawal of the rejections is respectfully requested.

#### ***Rejections - 35 U.S.C. § 102***

On pages 4-6 of the Office Action, claim 1, 2, 12-15, 25-28, 38-41, 51, and 52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kamiya (JP 08-269367, hereinafter “Kamiya”). In response, Applicant has cancelled claims 1, 2, 12-15, 25, and 26, and amended independent claims 27 and 40 to define the present invention over the prior art of record. The cancellation of 1, 2, 12-15, 25, and 26 renders the rejections moot.

Specifically, independent claims 27 and 40 have been amended to recite that the plate material and a plate material manufacturing method requires:

Appl. No. 10/554,709  
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Amendment dated April 21, 2009

- a rolling oil that is used and remains on the plate substrate; and
- the paint material that contains an alcohol-based solvent at a content of 1 to 10 wt%.

Applicant respectfully asserts that this arrangement is *not* disclosed or suggested by Kamiya or any other prior art of record.

Applicant respectfully asserts that Kamiya is absolutely *silent* with regards to these elements thus Kamiya *fails* to disclose or to suggest this structure as set forth in independent claims 27 and 40 by the current amendment.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claims 27 and 40, as now amended, are not anticipated by the prior art of record.

Moreover, Applicant believes that the dependent claims 28, 38, 39, 41, 51, and 52 are also allowable over the prior art of record in that they depend from independent claim 27 or 40, and therefore are allowable for the reasons stated above. Also, the dependent claims 28, 38, 39, 41, 51, and 52 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 27 and 40; neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

*Rejections - 35 U.S.C. § 103*

On page 7 of the Office Action, claims 3, 7, 16, 20, 29, 33, 42, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya. On page 8 of the Office Action, claims 4-6, 17-19, 30-32, 43-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya in view of Mizutani (U.S. Patent No. 6,013,724, hereinafter “Mizutani”). On pages 8-10 of the Office Action, claims 8-11, 21-24, 34-37, and 47-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya in view of Lever (U.S. Patent No. 5,079,087, hereinafter “Lever”). In response, Applicant has cancelled claims 3-11, 16-24, 30, and 43, and amended independent claims 27 and 40 as mentioned above. The cancellation of claims 3-11, 16-24, 30, and 43 renders the rejections moot.

Independent claims 27 and 40 have been amended as mentioned above and are believed not to be anticipated by Kamiya or any other prior art of record in light of the reasons stated above. Since the arrangement now recited in independent claims 27 and 40 are

not disclosed or suggested by Kamiya, Applicant respectfully asserts that the dependent claims 29, 31-37, 42, and 44-50 are not obvious over Kamiya singularly or in combination with the Mizukami patents and Lever patents, which also fail to disclose or to suggest the arrangement now recited in independent claims 27 and 40, and believed to be allowable over the prior art of record in that they depend from independent claim 27 or 40. Also, the dependent claims 29, 31-37, 42, and 44-50 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 27 and 40, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Further, Applicant respectfully asserts that the person with routine skill in the art would not be motivated to combine the Kamiya publication and Mizukami patent since Mizukami merely discloses that alcohol solvent is used in concerned with the stability of the specific material in the Mizukami invention during storage while the alcohol solvent is used for improving the affinity in the present application.

It is well settled in U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of the plate material and the manufacturing method thereof.

Applicant respectfully requests withdrawal of the rejections.

Appl. No. 10/554,709  
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***Conclusion***

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 27-29, 31-42, and 44-52 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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